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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/941,979 | 08/29/2001 | Akihiro Tatsuta | MTS-3272US | 7526 |

7590

10/20/2005

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/941,979 | TATSUTA ET AL. | |
| | Examiner | Art Unit | |
| | Creighton H. Smith | 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 APR '05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9-12,14 and 15 is/are allowed.
- 6) ☒ Claim(s) 8 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Freedland '175.

Freedland discloses a signal distribution system (130, col. 3, lines 47-55) that comprises a reception portion (146) that may include multiple receivers, each receives being tuned to a respective remote station transmit frequency, or be formed by a single wide band receiver capable of detecting and demodulating a plurality of individual carriers, each carrier being at a distinct frequency. Freedland further discloses in col. 3, lines 35-42, that each of the remote transmitting stations (110a-110n) communicate with the signal distribution unit (130), and that each reception channel (134a-134n) receives the plurality of transmitted signals that have different frequencies, different modulation schemes, different coding schemes, or other techniques for independent transmission of multiple channels. Therefore, applicant's transmission means reads upon Freedland's transmission means at each of the remote stations (110-110n). Each of the remote stations of Freedland selects or chooses a different modulation scheme that inherently is based upon some predetermined criteria. Freedland never specifically discloses that the remote stations are transmitting based on a predetermined criteria,

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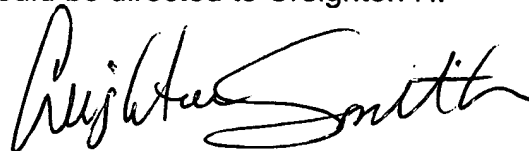
but it is inherent that the remote stations are doing just that because of the fact that each of the remote stations are transmitting on different frequencies and different modulation schemes. There has to be some predetermined criteria why each of the stations would transmit using a different modulation scheme. The plurality of signals are being transmitted by the plurality of remote stations (110a-110n).

Claims 1-7, 9-12, 14, 15 are allowed.

Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

09 OCT '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is fluid and cursive, with the first name "Creighton" being more prominent and the last name "Smith" following in a similar style.

Creighton H Smith
Primary Examiner
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